

REMARKS

This Amendment is being filed in response to the Final Office Action mailed May 25, 2010 which has been reviewed and carefully considered. By means of the present amendment, claim 7 has been canceled without prejudice, and independent claim 5 has been amended to include the features of canceled claim 7. Further, independent claim 1 has been amended to include features similar to that of canceled claim 7. Accordingly no new issues have been introduced that require a new search, and thus entry of the present amendment is respectfully requested.

Claims 1-2, 4-6 and 8-14 remain in this application, where claims 3 and 7 have been canceled without prejudice. Claims 1, 5, 9 and 12 are independent.

In the Final Office Action, claims 1-3 and 5-7 are rejected under 35 U.S.C. §103(a) over U.S. Patent 7,184,377 (Ito) in view of U.S. Patent 7,082,092 (Weijenbergh) and U.S. Patent Application Publication No. 2005/0002420 (Yoon). Further, claims 9-10 and 12-13 are rejected under 35 U.S.C. §103(a) over Ito in view of Yoon. Claims 4 and 8 are rejected under 35 U.S.C. §103(a) over Ito in view of Weijenbergh, Yoon and U.S. Patent No. 6,678,236 (Ueki). Claims 11 and 14 are rejected under 35 U.S.C. §103(a) over Ito in view of Yoon and Ueki. It is respectfully submitted that claims 1-2, 4-6 and 8-14 are patentable over Ito, Weijenbergh, Yoon and Ueki for at least the following reasons.

As correctly noted on page 3, lines 3-5 of the Final Office Action, referring to page

10, lines 3-8 of the Amendment filed on February 19, 2010, Ito does not disclose or suggest that control information is written on the second information layer, before the second recording step where user information is written in the user information area of the second layer, as recited in independent claims 1, 5, 9 and 12. Further, in rejecting claim 9, in the paragraph spanning pages 7-8 of the non-final Office Action of November 25, 2009, the following is recited (emphasis added):

However, Ito fails to disclose "after the writing user information act and before a jump to a second information layer for writing further user information in the second information layer, writing control information in a control area of the second information layer; and after the writing control information act, writing the further user information in a user information area of the second information layer". In addition, Ito teaches that after a jump from a first recording layer 51 to a second recording layer 52 there exists a continued recording of information from the first to second layer (figure 6 (Notice the directional arrow for recording.)) and Yoon teaches that a 'lead-out area' can be utilized to keep/maintain tracking while layer jumping at an outermost circumference (see claim 1).

Further, referring to claim 1 on page 3, first full paragraph of the non-final Office Action of November 25, 2009, the following is recited (emphasis added):

Also, in a similar field of endeavor, Yoon teaches that a 'lead-out area' can be utilized to keep/maintain tracking while layer jumping at an outermost circumference paragraph [0035], lines 4 - 6).

Paragraph [0035] of Yoon specifically recites (emphasis added):

As described above, the lead-out area 130 has a guard function that prevents an optical pickup (not shown) from deviating from the user data area during recording and/or reproduction of data, and in case of a dual-layer disc the lead-out area can keep/maintain tracking while interlayer jumping from the outermost circumference.

It is respectfully submitted that paragraph [0035] of Yoon is completely silent as to WHEN the lead-out area 130 is written with any information. Paragraph [0039] of Yoon specifically states that the lead-out area 130 is recorded "after completion of manufacture of the disc." (Yoon, paragraph [0039], line1) Further, paragraph [0040] of Yoon specifically states that the lead-out area 130 is recorded "when formatting the optical medium." (Yoon, paragraph [0040], lines 2-3).

Further, while FIG 6 of Ito shows "continued recording of information from the first to second layer (figure 6 (Notice the directional arrow for recording.)," as noted on page 8, lines 2-3 of the non-final Office Action of November 25, 2009 (also reproduces above), the directional arrow shown in FIG 6 of Ito does not record anything in the 'middle region 102.'

At best, the combination of Ito and Yoon, merely shows continuous recording in user areas of the two layers, and NOT in any control area, where a pattern is pre-written in a lead out/control area after completion of manufacture of the disc or when formatting the disc.

It is respectfully submitted that Ito, Weijenbergh, Yoon, and combinations thereof, do not disclose or suggest the present invention as recited in independent claim 9, and similarly recited in independent claims 1, 5 and 12 which, amongst other patentable elements, recites (illustrative emphasis provided):

**after the writing user information** act [in a user information area of a first information layer] and **before** a jump to a second information layer for writing further **user** information **in the second** information layer, **writing control** information **in a control** area of the **second information**

layer.


These features are nowhere disclosed or suggested in Ito and Yoon, alone or in combination. Ueki and Weijenbergh are cited to allegedly show other features and do not remedy the deficiencies in Ito and Yoon.

Accordingly, it is respectfully submitted that independent claims 1, 5, 9 and 12 should be allowable. In additions, claims 2, 4, 6, 8, 10-11 and 13-14 should be allowable at least based on their dependence from independent claims 1, 5, 9 and 12.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
July 14, 2010

**THORNE & HALAJIAN, LLP**

Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101

**Please direct all inquiries and correspondence to:**

Michael E. Belk, Reg. 33,357  
Philips Intellectual Property & Standards  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
(914) 333-9643